

Message Text

CONFIDENTIAL

PAGE 01 USUN N 03303 01 OF 02 250115Z
ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 AF-10 ARA-10 EA-10 EUR-12
NEA-10 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09 OMB-01
PA-01 PM-05 SP-02 SS-15 ICA-11 /190 W
-----102205 250215Z /12

R 250106Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2983
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 03303

FROM LOSDEL

E.O. 11652: XGDS-1
TAGS: PLOS
SUBJECT: LAW OF THE SEA - GROUP OF FIVE MEETING AUGUST 19

1. THE CONFIDENTIAL GROUP OF FIVE (G-5) MET ON AUGUST 19 TO PLAN FOR THE RESUMED SEVENTH SESSION OF THE LOS CONFERENCE.
 2. REGARDING THE FIRST COMMITTEE, THE US AND THE SOVIET UNION PREFERRED NOT TO REOPEN THE NJENGA TEXT; BUT FRANCE, THE UK, AND JAPAN WERE NOT IN AGREEMENT. THE FINAL CONSENSUS SEEMED TO FOLLOW AMBASSADOR ARCULUS' (UK) SUGGESTION (AS A RESULT OF HIS RECENT TALKS WITH NJENGA) THAT STATES WOULD REFRAIN FROM REOPENING THE TEXT IN NG-1 BUT WOULD HAVE A CHANCE TO PRESENT AMENDMENTS INFORMALLY TO NJENGA DURING THE COURSE OF THE NEW YORK SESSION.
- CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03303 01 OF 02 250115Z

ARCULUS ALSO SUGGESTED THAT NJENGA BEGIN HIS WORK WITH THE APPLICABILITY OF ANNEX II TO THE ENTERPRISE RATHER THAN WITH THE CONTRACT APPLICATION PROCESS, BECAUSE THE LATTER SUBJECT NEEDS MORE CONSIDERATION WITHIN THE G-5 AT THE EXPERTS' LEVEL. THE OTHERS AGREED, BUT ALDRICH (US) ADDED THAT DEBATE ON THE ROLE OF THE ENTERPRISE, BECAUSE OF ITS

CONTROVERSIAL NATURE, MAY BOG DOWN RELATIVELY QUICKLY. THEREFORE, IN A FAIRLY SHORT TIME, THE SUBJECT OF THE APPLICATION PROCESS COULD COME UP. IT WAS AGREED THAT FIRST COMMITTEE G-5 EXPERTS SHOULD MEET ON THIS SUBJECT EARLY DURING THE SESSION.

3. THE REVIEW OF SECOND AND THIRD COMMITTEE ISSUES WAS BRIEF. MOST OF THE PRESSING ITEMS WERE DISCUSSED UNDER PROCEDURES OR ARE TO BE CONSIDERED BILATERALLY (E.G., MSR, EEZ, CONTINENTAL SHELF DEFINITION AND DELIMITATION WITH THE SOVIETS; MSR AND CONTINENTAL SHELF WITH THE UK; STRAITS WITH JAPAN) OR ARE ISSUES WHERE THERE IS NO OBVIOUS BASIS FOR A G-5 POSITION ON EITHER SUBSTANCE OR TACTICS, E.G., DELIMITATION. AMBASSADOR RICHARDSON SAID THAT THERE IS NOT MUCH FOR NG-4 AND NG-5 TO DO FOR THE TIME BEING, AND NG-6 SHOULD NOT MEET UNTIL AGUILAR HAS TALKED TO KEY CONCERNED DELEGATES. AGUILAR INTENDS TO CONTINUE HIS CONSIDERATION F COMMITTEE TWO TEXTS STARTED AT THA MARCH-MAY MEETING. ARCULUS SAID THAT BRITISH MINISTERS ATTACHED CONTINUED IMPORTANCE TO THE IRISH FORMULA AND THAT THE UK WILL CONTINUE TO PRESS FOR ITS ADOPTION. DURING THE INTERSESSIONAL PERIOD, THERE WAS INCREASING SUPPORT FOR THE FORMULA. THE CONTINENTAL SHELF IS THE SINGLE MOST IMPORTANT ISSUE FOR THE UK AT THE CONFERENCE.

4. DISPUTE SETTLEMENT - RICHARDSON (US) EXPLAINED THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03303 01 OF 02 250115Z

ZULETA PROPOSAL FOR AN INFORMAL GROUP OF COMPARATIVE LAW EXPERTS TO PREPARE A REPORT FOR THE CONFERENCE PRESIDENT ON ADMINISTRATIVE REVIEW PROCEDURES WITH RESPECT TO DECISIONS OF THE SEABED AUTHORITY. THE PRESIDENT WOULD REFER THE REPORT TO NG-5.

KOZYREV (USSR) EXPRESSED PREFERENCE FOR THE GROUP OF EXPERTS FUNCTIONING UNDER ENGO. THE JAPANESE DELEGATION CONSIDERED THAT THE DISPUTE SETTLEMENT ISSUES ARE INTERRELATED AND SHOULD BE HANDLED TOGETHER. IN VIEW OF HIS PRIOR LINK WITH THIS SUBJECT, PRESIDENT AMERASINGHE SHOULD BE CLOSELY ASSOCIATED WITH ANY DISCUSSION OF DISPUTE SETTLEMENT. THE GROUP OF SCHOLARS SHOULD, THEREFORE, REPORT TO HIM.

RICHARDSON NOTED THAT THE UNITED STATES ORIGINALLY SUGGESTED THAT ENGO SHOULD CONSIDER NEXT THE SETTLEMENT OF SEABED DISPUTES; BUT, IN VIEW OF STRONG OPPOSITION TO THE IDEA, IT HAS NOW SHIFTED TO SUPPORTING THE ZULETA PROPOSAL. IT CAN BE EXPECTED THAT BEFORE ANNOUNCING ANY DECISION ON THE SUBJECT THE PRESIDENT WILL CONSULT CLOSELY WITH ENGO. THE MATTER WILL BE WORKED OUT BY THE PRESIDENT, ZULETA AND ENGO THE SOVIET UNION THOUGHT THAT THE GROUP SHOULD NOT BE SET

UP BY THE PRESIDENT BUT BY ENGO IN COORDINATION WITH ZULETA SOHN (US) EXPLAINED THE STATUS OF NEGOTIATIONS ON THE QUESTION OF SETTLEMENT OF DELIMITATION DISPUTES. WHILE A SOLUTION OF THE PROBLEM CANNOT BE ANTICIPATED AT THIS TIME, THE COMPROMISE IS LIKELY TO INVOLVE THREE ELEMENTS: COMPLETE EXCLUSION OF SOME DISPUTES (E.G., THOSE INVOLVING MIXED ISSUES OF LAND AND SEA BOUNDARIES), A WEAK PROVISION ON PAST DISPUTES, AND A STRONGER PROVISION ON FUTURE DISPUTES. THE JAPANESE DELEGATION SUGGESTED THAT PRIORITY SHOULD BE ALSO NOTED THAT NG-5 COMPROMISE HAS NOT YET BEEN ACCEPTED BY JAPAN AND IT HAS RESERVED ITS POSITION ON THAT SUBJECT.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USUN N 03303 02 OF 02 250121Z
ACTION DLOS-09

INFO OCT-01 ISO-00 IO-13 AF-10 ARA-10 EA-10 EUR-12
NEA-10 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09 OMB-01
PA-01 PM-05 SP-02 SS-15 ICA-11 /190 W
-----102251 250214Z /12

R 250106Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2984
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 03303

FROM LOSDEL

SIMILAR RESERVATION WAS MADE BY THE SOVIET UNION.

5. RICHARDSON POINTED OUT THAT THE UNITED STATES IS INTERESTED ALSO IN IMPROVING THE PROVISIONS ON SETTLEMENT OF DISPUTES RELATING TO SCIENTIFIC RESEARCH, WHICH SHOULD BE DEALT WITH PART XV AND NOT IN PART XIII.

6. IN A CLOSING DISCUSSION OF OTHER ITEMS, KOZYREV SAID THAT IF THE SEABED LEGISLATION QUESTION AROSE, THE SOVIETS WOULD BE OBLIGED TO STATE THAT IN THEIR VIEW UNILATERAL LEGISLATION WOULD BE CONTRARY TO INTERNATIONAL LAW; DE LA

CHARRIERE (FRANCE) NOTED MANY COUNTRIES HAVE ENACTED UNILATERAL LEGISLATION ON OTHER SUBJECTS SINCE THE LOS CONFERENCE BEGAN, SUCH AS THE ESTABLISHMENT OF ARCHIPELAGIC REGIMES.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03303 02 OF 02 250121Z

7. LATER, DURING THE G-5 LUNCH, THE SOVIET POSITION WAS MODIFIED TO ONE IN WHICH THEY WOULD CONSIDER MINING UNDER UNILATERAL LEGISLATION "UNAUTHORIZED" BY INTERNATIONAL LAW, RATHER THAN "ILLEGAL." AND EVEN THEN, THE SOVIETS INDICATED, THIS POSITION MIGHT BE SUBJECT TO FURTHER MODIFICATION IN LIGHT OF THE POINTS MADE BY THE U.S. AND FRANCE, NAMELY THAT LONG TERM SOVIET INTERESTS MIGHT BE ADVERSELY AFFECTED BY ADHERENCE TO VIEW THAT SUCH MINING WAS UNAUTHORIZED. IN THE EVENT THAT THE SOVIETS MIGHT WISH TO CLAIM A NATIONAL RIGHT OF PARTICIPATION IN THE COMMON HERITAGE IN THE ABSENCE OF AN AGREED INTERNATIONAL REGIME. YOUNG

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETING PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USUNN03303
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Expiration:
Film Number: D780347-0908
Format: TEL
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780821/aaaaarex.tel
Line Count: 193
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d33d755b-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1614106
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA - GROUP OF FIVE MEETING AUGUST 19
TAGS: PLOS, PORG
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/d33d755b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014